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900 SECOND AVENUE SOUTH
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MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Patent No. 6,810,870
Issue Date: November 2, 2004
Application No. 10/743,679
Filed: December 19, 2003
Title of Invention: Toy Gun

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ON PETITION

This is a decision on the renewed petition, filed on September 8, 2006, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **Granted**.

A copy of this decision is being forwarded to the Office of Patent Publication for issuance of a duplicate letters patent for patent 6,810,870 to attorney of record:

NIKOLAI & MERSEREAU, P.A.
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ATTN: ALAN D. KAMRATH

Petitioner is being charged the \$400.00 petition fee because sufficient evidence has not been provided to establish the letters patent was not received.¹ The declaration shows that the letters patent could have been lost after receipt. Further the two year delay in filing the petition fails to demonstrate due diligence.

¹ Petitioner should refer to MPEP 711.03 (c) Petition to Withdraw Holding of Abandonment Based On Failure to Receive Office Action the standard established is similar to the standard required to obtain duplicate Letters Patent based upon non-receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent than the last name "Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Kimberly Terrell, South Tower, 8th Floor
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